

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FINANCIAL FEDERAL CREDIT INC.,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-08-1879
	§	
KEITH BAKER <i>et al.</i> ,	§	
	§	
Defendants.	§	

MEMORANDUM AND ORDER

Plaintiff Financial Federal Credit Inc., has filed a motion for entry of default and for default judgment against defendants Keith Baker and Kirk Baker. These defendants have been served but has failed to answer the complaint as required by Rule 12, Fed. R. Civ. P.

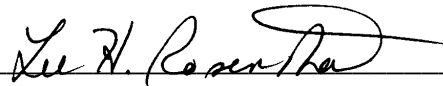
Defendant Keith Baker has filed for bankruptcy protection in the United States Bankruptcy Court of the Western District of Oklahoma in 08-13423. This filing operates to stay the proceedings against Keith Baker in this case. The motion for default as to Keith Baker is denied.

In support of its motion as to Kirk Baker, Financial Federal Credit Inc., has filed affidavits and exhibits in support of its claims for actual damages and reasonable attorney fees on the guarantee agreements that Kirk Baker executed dated August 21, 2006 and June 29, 2007. Financial Federal Credit Inc. has shown that the deficiency amount remaining as of April 18, 2008 is \$568,651.89, together with prejudgment interest at the rate of 18% per annum or \$284.33 per day. Financial Federal Credit Inc. has also sent Kirk Baker notice of

the motion for entry of default and default judgment. Further notice to this defendant and further hearings are not necessary. Rule 55(b)(2), Fed. R. Civ. P.

Financial Federal Credit Inc. has established its entitlement to default judgment against Kirk Baker, jointly and severally with Keith Baker and other debtors, in the amount of \$568,651.89 in actual damages, prejudgment interest in the amount of \$31,560.18 to August 7, 2008, plus postjudgment interest at the rate of \$284.30 per day from August 8, 2008 to the date judgment is entered, postjudgment interest at the rate of 2.08%; and costs of court. The motion for default judgment is granted.

SIGNED on September 17, 2008, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal
United States District Judge